

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR142
)	
v.)	
)	
DAVID W. KOFOED,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. [69](#)), in which it is recommended that defendant's motion to declare 18 U.S.C. § 1519 unconstitutional (Filing No. [47](#)) be denied.

The defendant has filed an objection to the report (Filing No. [80](#)). However, no basis for the objection was stated and no brief was filed in support of the objection. The Court has reviewed plaintiff's response (Filing No. [82](#)) and has conducted a *de novo* review of the magistrate judge's report and recommendation. The Court finds that the report and recommendation should be approved and adopted by the Court. Accordingly,

IT IS ORDERED:

- 1) The report and recommendation of the magistrate judge is approved and adopted.
- 2) Defendant's objection is overruled.

3) Defendant's motion to declare 18 U.S.C. § 1519 unconstitutional is denied.

DATED this 26th day of August, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court